

UNITED STATES DISTRICT COURT

for the

Eastern District of Michigan

United States of America

v.

Joseph CALBERT

Case: 2:22-mj-30427

Case No. Assigned To : Unassigned

Assign. Date : 10/5/2022

Description: CMP USA v. CALBERT (SO)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of August 18, 2022 in the county of Washtenaw in the
Eastern District of Michigan, the defendant(s) violated:

*Code Section**Offense Description*

21 U.S.C. 841(a)(1)

-- Knowingly/Intentionally possessed with intent to distribute controlled substance

18 U.S.C. 922(g)

-- Knowingly/Intentionally possessed firearm while being prohibited person

18 U.S.C. 924(c)

-- Possession of firearms in furtherance of a drug trafficking crime

This criminal complaint is based on these facts:

☒ Continued on the attached sheet.*Complainant's signature*

Special Agent George Bingham - ATF

*Printed name and title*Sworn to before me and signed in my presence
and/or by reliable electronic means.Date: October 5, 2022*Judge's signature*City and state: Detroit, Michigan

Honorable Jonathan J.C. Grey, U.S. Magistrate Judge

Printed name and title

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

UNITED STATES OF AMERICA,

Plaintiff,

v.

Joseph CALBERT,

Defendant.

Case No.

**AFFIDAVIT IN SUPPORT OF APPLICATION FOR
CRIMINAL COMPLAINT AND ARREST WARRANT**

I, George Bingham, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am employed as a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). I am currently assigned to the Detroit Field Division, Ann Arbor Office, where I am responsible for investigating violations of firearms laws, among other crimes. I have been employed with the ATF for approximately 13 years. Prior to this, I was a Michigan State Police (MSP) Trooper for approximately 11 years. During my time in law enforcement, I have participated in numerous investigations involving firearms, narcotics

trafficking, violent crimes, and criminal street gangs. These investigations have resulted in the execution of state and federal search and arrest warrants.

2. This affidavit is based upon information I have gained from my investigation, information provided by law enforcement officers and others who have personal knowledge of the events and circumstances described herein (including a review of their reports), and my training and experience. This affidavit is intended to show merely that there is sufficient probable cause for the requested complaint and arrest warrant and does not set forth all details or facts that exist pertaining to the investigation.

3. I submit this affidavit in support of a criminal complaint charging that, on August 18, 2022, within the Eastern District of Michigan, the defendant, Joseph CALBERT (D.O.B.: XX/XX/1973), knowingly and intentionally possessed with intent to distribute cocaine base (crack cocaine) in violation of 21 U.S.C. § 841(a)(1), knowingly and intentionally possessed two firearms while being a prohibited person in violation of 18 U.S.C. § 922(g), and possessed these firearms in furtherance of a drug trafficking crime, in violation of 18 U.S.C. § 924(c).

PROBABLE CAUSE

4. According to law enforcement reports, on August 18, 2022, deputies assigned to the Washtenaw County Community Action Team (CAT) located a vehicle associated with CALVERT—who had several outstanding arrest warrants—at an apartment in Ypsilanti, Michigan. The deputies set up surveillance of the vehicle and the main apartment door.

5. CALBERT exited the apartment accompanied by a female. CALBERT was carrying a backpack as he walked towards a black Chevy Malibu.

6. One of the deputies pulled his police vehicle up to the Malibu and observed CALBERT sitting in the drivers' seat (the female was in the passenger seat). The deputy parked his vehicle, activated the emergency lights, exited and yelled for CALBERT to show his hands. CALBERT then exited the vehicle. When he did so, a plate of white powder went flying from his lap onto the pavement. A silver digital scale also fell out of the vehicle when CALBERT quickly exited; the digital scale appeared to have white powder residue on it.

7. Fearing CALBERT was about to flee, Deputies detained CALBERT after a brief struggle. A subsequent search incident to arrest revealed two large tear off baggies with approximately 50 grams of crack cocaine in CALBERT's right front pants pocket that tested positive with a Tru Narc field test.

8. The deputies then searched the Malibu. The officers searched the front driver's door and seat and located the black backpack that CALBERT was observed wearing when he left the apartment. A search of the backpack revealed a large amount of cash, a Glock 19-style semi-automatic pistol, specifically, the Polymer 80, model PF940c, 9 x 19mm caliber, semi-automatic pistol frame, with an unknown manufactured slide with no serial number, loaded with 6 rounds, and a silver Iver Johnson, .32 S&W caliber, five-shot, revolver, bearing serial number: G43939. A total of \$6,898.00 in small denominations was seized from the backpack and CALBERTS's person. Another digital scale was located in the vehicle's trunk. Drug paraphernalia (crack pipes) were located near the driver's and passenger seat and in the backpack.

9. Based on your affiant's training and experience, 50 grams of crack cocaine is a distribution, rather than personal use quantity. This conclusion, that CALBERT possessed the crack cocaine for distribution, is supported by several facts, including the presence of digital scales (one of which had white powder residue on it, indicating that it was used for weighing) and the large amount of currency recovered (\$6,898)—which included 260 \$20 bills (narcotics are frequently sold in \$20 and \$40 portions).

10. I also know, based on my training and experience, that narcotics dealers carry firearms on their person to protect themselves during their drug trafficking activity, including protection from being robbed.

11. I conducted a computerized criminal history check and found CALBERT has several felony convictions, including but not limited to:

- July 1990, Felony Armed Robbery, Assault with Intent to Murder, Felony Firearm (sentenced to 10 to 30 years, plus two years for the felony firearm conviction);
- October 2009, Larceny from the Person (sentenced to 2 to 10 years);
- October 2009, Unlawfully Driving Away an Automobile (sentenced to 15 months to five years);
- October 2009, Financial Transaction Device—Stealing/Receiving Without Consent (sentenced to 2 to four years); and
- October 2009, Stolen Property—Receiving/Concealing Greater Than \$1,000 (sentenced to 1 to 2 years);

12. CALBERT served over ten years in prison for his 1990 convictions.

On August 18, 2022, CALBERT was also on probation for a 2021 sentence for stolen property—receiving/concealing—motor vehicle. The terms of CALBERT’S state probation prohibited him from possessing a firearm. Accordingly, probable cause exists that CALBERT knew he was a felon (and knew he was prohibited from possessing a firearm) on August 18, 2022.

13. On October 4, 2022, I consulted with ATF Special Agent Mark Davis, an ATF Firearms and Ammunition Nexus Agent, about the two firearms that were recovered from CALBERT's possession by the Washtenaw County Sheriff's Office. On that same day, SA Davis physically examined the two handguns and gave me his expert opinion that the Iver Johnson, .32 S&W caliber, five-shot, revolver, bearing serial number: G43939, was manufactured in the State of Massachusetts by Iver Johnson Arms and Cycle Works. Therefore, for the Iver Johnson revolver to have been recovered in the State of Michigan, it must have travelled in interstate commerce. SA Davis also gave the opinion that the Glock 19-style semi-automatic pistol, specifically, the Polymer 80, model PF940c, 9 x 19mm caliber, semi-automatic pistol frame, with an unknown manufactured slide, an unknown manufactured barrel containing the marking "9" (inscription for caliber designation) and an aftermarket Glock-style, 15-round capacity RWB pistol magazine (manufactured in Republic of Korea) "affected" interstate commerce within the meaning of 18 U.S.C. 922(g).

CONCLUSION

14. Based on the foregoing, I respectfully submit there is probable cause to believe that CALBERT knowingly and intentionally possessed with intent to distribute cocaine base (crack cocaine) in violation of 21 U.S.C. § 841(a)(1), knowingly and intentionally possessed two (2) firearms while being a prohibited

person in violation of 18 U.S.C. § 922(g) and possessed these firearms in furtherance of a drug trafficking crime in violation of 18 U.S.C. § 924(c).

Respectfully submitted,

By:



George Bingham, Special Agent
Bureau Of Alcohol, Tobacco,
Firearms and Explosives

Sworn to before me and signed in
my presence and/or by reliable electronic means.



HON. JONATHAN J.C. GREY
UNITED STATES MAGISTRATE JUDGE

Date: October 5, 2022